

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**Mark W. Mayer, Larry C. Welsh and
Brandi Young, Individually, on Behalf of
the Smurfit-Stone Container Corporation
Savings Plan the Jefferson Smurfit
Corporation Hourly Savings Plan the
Smurfit-Stone Container Corporation
Hourly Savings Plan, and St. Laurent
Paperboard Hourly Savings Plan, and on
Behalf of All Others Similarly Situated,
Plaintiffs,**

v.

**Administrative Committee of the Smurfit-
Stone Container Corporation Retirement
Plans, Patrick J. Moore, Paul K.
Kaufman, Charles Hinrichs, Ron
Hackney, and Brian Gardner,
Defendants.**

**Case No. 09 CV 02984
Hon. Virginia M. Kendall
Magistrate Judge Ashman**

JURY TRIAL DEMAND

JOINT UPDATE ON BANKRUPTCY ORDER

Pursuant to this Court's instructions at the last status hearing on September 9, 2009 and subsequent Minute Order, the parties seek to update this Court on a recent bankruptcy ruling applicable to this case. As the Court may recall from our initial status hearing, Smurfit Stone Container Corporation and Smurfit Stone Container Enterprises are currently parties to a bankruptcy proceeding before the U.S. District Bankruptcy Court in Delaware. As a result, this Court requested that the parties advise the Court of any rulings that may impact the present action, including the companies' motion to extend the applicable bankruptcy stay to this case. On November 4, 2009, the Hon. Brendan Linehan Shannon of the U.S. District Bankruptcy Court, in Case No. 09-51067, issued a ruling as set forth in the November 18, 2009 Order,

attached hereto for the Court as Exhibit A. The terms of the November 18, 2009 Order are to be revisited with the bankruptcy court on or before March 5, 2010. In light of this Order, the current discovery schedule entered in this case on September 9, 2009 will require modification at the appropriate time. The parties are available at the Court's convenience to discuss the implication of this order, if deemed necessary.

DATED: November 23, 2009

Respectfully submitted,

By: /s/ R. Mark McCareins

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CERTIFICATE OF SERVICE

The undersigned, an attorney for Defendants Administrative Committee of the Smurfit-Stone Container Corporation Retirement Plans, Patrick J. Moore, Paul K. Kaufman, Charles Hinrichs, Ron Hackney, and Brian Gardner, hereby certifies that a copy of the foregoing JOINT UPDATE ON BANKRUPTCY ORDER was served on November 23, 2009 on the following counsel using the CM/ECF system:

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Dated: November 23, 2009

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